

REMARKS

In response to the outstanding Office Action, Paper No./Mail Date 20040729, dated August 3, 2004, applicants have carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

Claim 1 has been amended.

New Claims 2-6 have been added to claim subject matter applicants are entitled to claim.

Claims 1-6 remain in the application for consideration by the Examiner.

The Abstract has been amended for clarity.

No new matter has been added.

Reconsideration of the application, as amended, is respectfully requested.

The Examiner requested in the Office Action that a concise explanation of the relevance of each patent listed in the Information Disclosure Statement filed 11/10/2003 that is not in the English language, be provided. The foreign patents listed in the IDS are patents that were uncovered during the International Phase, and listed in an International Search Report in the 'A' category by the International Search Officer. A document in the 'A' category is a "*document defining the general state of the art which is not considered to be of particular relevance*". Therefore, the patents listed in the IDS were believed to be of no particular relevance by the International Search Officer, and should hence not be regarded as relevant.

In the Office Action, the Examiner acknowledged priority based on an application filed in Kazakhstan on 4/6/01, and indicated that a certified copy of the application as required by 35 USC §119(d) had not been filed. A certified copy of Kazakh patent application No. 2001/0491.1 is being filed herewith.

The Examiner objected to the Abstract for improper language. Appropriate amendments have been made to the Abstract to conform to format and language requirements. Thus, withdrawal of this objection is respectfully requested.

The Examiner objected to Claim 1, as the form of the claim being improper. Claim 1 has been amended to conform to the form requirements set forth in MPEP §608.01(m) and 37 CFR §1.75(i). Withdrawal of the objection to Claim 1 is respectfully requested.

The Examiner rejected Claim 1 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated:

"Claim 1 recites the limitation 'the machine' (ln. 1). There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation 'the jiggling process' (ln. 10). There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation 'the support' (ln. 13). There is improper antecedent basis for this limitation in the claim as applicant has seemingly defined plural supports. Examiner requests clarification.

Further, the claim language ' . . . one or more elastic elements connect either two or more mobile parts of the machine between each other or the support with one or more mobile parts of the machine' (ln. 14 et seq.) is nonsensical and thus indefinite. Applicant's use of multiple optional features makes it difficult to decipher what features are actually part of the claimed invention. Examiner requests clarification."

Claim 1 has been amended to provide proper antecedent basis and provide clarification as requested. It is submitted that amended Claim 1 overcomes the rejection. The Examiner's favorable reconsideration of the rejection based upon 35 USC §112, second paragraph, is respectfully requested.

The Examiner rejected Claim 1 under 35 USC §102(b) as being anticipated by Wall (US 506,751). The Examiner stated:

"Wall teaches a machine (Fig 1-4) consisting of a box with a sieve (around A'''), a tub with working medium (below C), drive (B, B', b), loading and unloading devices (Fig. 4), working medium delivery device (Fig. 3, near c; p. 2, ln. 60-67), an elastic element (b), and a support (surrounding frame), wherein the box and tube are movably connected with one or more rigid elements (Fig. 3, 4, T connection near B) and the one or elastic elements (b) connects two or more mobile parts of the machine (a" with top of B)."

In amended claim 1, the box having a jiggling sieve therein and the tub are now said to be movable. Moreover, the drive is now said to be capable of actuating the rigid element relative to the support, in order to move the box and the tub relative to each other in an oscillating motion. Support for these characteristics can be found in the patent publication, at the last three lines of paragraph [0014].

Moreover, the elastic element is now said to act upon at least one of the box, the tub, the rigid mobile element and the support (support therefor can be found in the publication, paragraph [0016], lines 4-10). Also, the elastic element is now said to be capable of maintaining the oscillating motion of the box and the tub, as can be clearly inferred by the last seven lines of paragraph [0010] and paragraph [0018].

These features are absent from the Wall reference cited by the Examiner. Indeed, the Wall patent does not disclose a box and a tub both movable in an oscillating motion, but rather a screen frame A''' movable vertically within the partition A' of a stationary tank A.

In Wall's device a tub with working medium (Fig. 1-4, a rectangular tank, p.1, ln. 68) and a support (p. 1, ln. 73, a main frame) are made as indivisible and are motionless

(hereinafter called "tub-support"). In contradistinction to Wall's device, the device of the Applicants' support 8 and tub 6 are different parts of the machine. In Wall's device the rigid element (Fig. 3,4, T connection near B) connects one mobile box (around A'') and one motionless "tub - support". But, in the device of the Applicants the rigid element 7 connects either two moving parts of the machine box 5 and tub 6) or two moving and one motionless parts of the machine (box 5, tub 6 and support 8).

Wall's device has only one rigid element as a cross-arm (Fig. 3,4, T connection near B). In contradistinction to the Wall's device, the device of the Applicants has several rigid elements, and at least one of the rigid moving elements should be a double-arm lever (Fig.2, double-arm levers, p. 3, l. 22-24). Wall's device has no double-arm levers, and has the simple cross-arm lever (a) only''.

Wall's device has only one elastic element (p. 2, l. 35, a spiral spring b). In contradistinction to the Wall's device, the device of the Applicants has several elastic elements (p. 3, l. 25-29). In Wall's device the elastic element connects one mobile box (p. 2, l. 33-41) and motionless "tub - support". In contradistinction to the Wall's device, in the device of the Applicants the elastic elements can connect as several mobile parts of the machine (for example, the tub and the box), and the motionless support with several mobile parts of the machine (p. 3, l. 26-28).

Wall's device has one mobile part as a box with a sieve (around A'') and it is kinematically unbalanced. Therefore, the part of energy of a drive is spent for useless work, but counteract earth's gravity by box and an elastic element. In contradistinction to the Wall's device, the device of the Applicants is made as two mobile parts (a box 5 and a tub 6) which weights are counterbalanced because necessarily they are connected by double-arm lever 7 ("the rigid element connecting movably a box 5, a tub 6 and a support 8", p. 3, l. 20-25). Therefore the power consumption is decreasing. As a result the stability of oscillation jiggling sieve and under-sieve water is obtained, and, in consequence, high efficiency of process of separation is provided (p. 2, l. 22-30).

Also, claim 1 as amended discloses an elastic element capable of maintaining the relative oscillating motion of the box and the tub. The elastic element allows, if the weight values of the tubs and of the box and the value of the elasticity of the elastic element are suitably calibrated relative to each another, for the relative oscillating motion of the tub and box to be self-maintained by the elastic element (as suggested in lines 4-6, paragraph [0010]). Indeed, between each oscillation half-cycle, the elastic element forces the system to achieve the second remaining half-cycle, thus maintaining the oscillatory behaviour of the system.

The elastic element has the same function as gravity in a pendulum. On the other hand, in the Wall patent, the spring *b* allows *"the screen and the load [to] fall with a force greater than its own weight"*, *"so that when the screen is lifted, it will be thrown down on its return with increased force"* (Wall patent, page 2, lines 33–40). Spring *b* does not serve the purpose of maintaining the oscillatory motion of the system, and the screen frame depends mainly on the rotary motion of the cam B' to actuate it in a vertical reciprocating movement.

Due to the above structural differences between the claimed invention and the cited reference to Wall, it is submitted that Claim 1 not anticipated under 35 USC §102(a) by Wall and is deemed to be is patentable.

The Examiner's favorable reconsideration of the rejection of Claim 1 based upon 35 USC §102(b) is respectfully requested.

New dependent claims 2–6, all depend directly from claim 1. Support therefore can be found in the publication, paragraph [0016], lines 4–10. New claims 2–5 are also believed to be allowable, for the same reasons as amended claim 1 recited hereinabove. None of these claims incorporate new matter.

In view of the foregoing arguments, the applicants believe the invention as claimed can be patentably distinguished from the prior art of record. Reconsideration of the application is respectfully requested.

The application is now considered in condition for allowance. Accordingly, a formal Notice of Allowance is solicited.

While the applicant's attorney has made a sincere effort to properly define applicant's invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the applicant's attorney in a sincere effort to expedite the prosecution of the application.